

delivery apparatus remote from the mobile communication instrument and including the memory;

retrieving advertisement information relating to the current position from the memory based on the current position information received from the mobile communication instrument;

delivering the retrieved advertisement information to the mobile communication instrument;

calculating advertisement delivery charges based on at least one of the designated location for presentation price, presentation calendar period price and presentation time of day price; and

charging, or liquidating by payment, the calculated advertisement delivery charges to the sponsor.

#### REMARKS

A petition for a two month extension of time has today been filed as a separate paper and a copy is attached hereto.

Claim 1 has been cancelled. Claim 2 has been amended to include language from original claim 20. Claim 3 has been amended to include the language of claim 7 now cancelled, as well as language found in paragraph [0109] of applicant's specification. Claim

26 has been cancelled. New claim 31 corresponds to original claim 2 with additional limitations taken from paragraph [0067] of applicant's specification. Claim 26 has been cancelled. Accordingly, the elected, pending claims are 2-6, 8-12 and 31.

The Rejection of Claims 1, 3, 6-9, 12 and 26 for Anticipation by Calvert

The rejection of claims 1, 3, 6-9, 12 and 26, as set forth in paragraph 3 of the Office Action, is partially moot in view of the fact that claims 1 and 26 have been cancelled. As noted above, claim 3 has been amended by incorporation of the language of original claim 7 and, further, by incorporation of language taken from paragraph [0109] in the specification. Accordingly, to the extent that the rejection may be applicable to claim 3 as amended, it is respectfully traversed. Contrary to the examiner's characterization of the reference teachings, Calvert, at column 9, lines 35-52, does not teach retrieving "a direction" as "a path". What Calvert does teach at column 9, lines 35-52 is a response to a request for product information, which response may "be accompanied by directions from the user's location to the location of the product provider." "Directions" would be understood by those skilled in the art to mean a message such as "turn left at A Street and proceed one mile to B Street..." The giving of "directions" is quite different from the display of "a path." In teaching at column 10, lines 33-45 of Calvert, also cited by the examiner, there is mention of a display but there is no suggestion anywhere in that teaching of display of a "path from a current position to an advertised location," quoting from amended claim 3.

Perhaps of greater significance here is the amendment of claim 3 to define the mobile communication instrument as functioning to display, simultaneously on a display screen, both an advertisement and an input button and to display “a path from a current position to an advertised location” responsive to receipt of a signal of the input button.

The Rejection of Claims 10 and 11 For Obviousness Over Calvert

The is rejection is respectfully traversed for the same reasons argued above with respect to amended claim 3. The examiner will note that claims 10 and 11 each depend from claim 3.

The Rejection of Claims 2, 4, and 5 For Obviousness Over Calvert in View of Owensby

The examiner cites column 2, line 65 to column 3, line 2 and column 15, lines 24-31 of Owensby as charging “advertisement delivery charges to a payee.” In point of fact, the cited teachings of Owensby are not so broad. Owensby suggests only the calculation of subsidies to a subscriber to a wireless service on the basis of “certain of the historical response data 28, referred to herein as ad insert records,” quoting from column 15, lines 24 and 25 of Owensby. In contrast, the present invention as defined by amended claim 2 involves a calculation of advertisement delivery charges to the sponsor of the advertisement information. It may be implicit in Owensby that the wireless mobile communication system, in turn, invoices the sponsors of the advertisements; however, the basis for such invoicing

of the subscribers would not necessarily be the same basis used to invoice the advertisement sponsors. Further, with regard to claim 2, there is no suggestion in the teachings of Owensby of any pricing or credit calculation based on advertisement content delivered or an advertisement delivery condition.

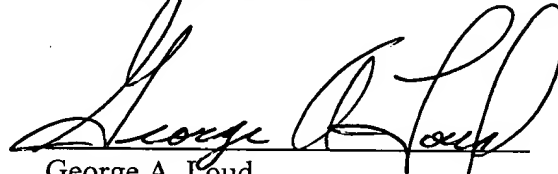
With regard to new claim 31, also note that Owensby nowhere suggests any pricing scheme or subsidizing scheme based on any of (1) the location designated by the sponsor for presentation of the advertising information, i.e. delivery of the advertising information, (2) presentation calendar period or (3) presentation time of day, as recited by claim 31.

In conclusion, it is respectfully requested that the examiner reconsider the rejections of record with the view toward allowance of the claims as amended.

Respectfully submitted,

BACON & THOMAS

9/22/2005  
Date

  
George A. Loud  
Registration No. 25,814

Atty Dkt: TESH3002  
625 Slaters Lane  
Fourth Floor  
Alexandria, VA 22314  
(703) 683-0500